

Prob12B
D/NV Form
Rev. June 2014

United States District Court
for
the District of Nevada

**REQUEST FOR MODIFICATION
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER**
Probation Form 49 (Waiver of Hearing) is Attached
April 7, 2017

Name of Offender: **Matthew Nicholas**

Case Number: **2:13CR00207**

Name of Sentencing Judicial Officer: **Honorable Kent J. Dawson**

Date of Original Sentence: **January 29, 2014**

Original Offense: **Unlawful Possession of a Firearm**

Original Sentence: **39 Months prison, followed by 36 Months TSR**

Date Supervision Commenced: **February 26, 2016**

Date of Revocation: **July 12, 2016**

Date Supervision Recommenced: **November 21, 2016**

Name of Assigned Judicial Officer: **Honorable Kent J. Dawson**

PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Community Service** - You shall complete 30 of community service, as approved and directed by the probation officer, within 60 days.

CAUSE

As a condition of supervision, Mr. Nicholas was ordered to submit to drug testing and comply with substance abuse treatment. On January 12, 2017, and January 31, 2017, Mr. Nicholas failed to submit urine samples at Westcare in compliance with the Code-A-Phone program. On February 2, 2017, Mr. Nicholas reported to the U.S. Probation Office and was admonished for his conduct. Mr. Nicholas stated he simply forgot to call and therefore did not submit a urine

RE: Matthew Nicholas

Prob12B
D/NV Form
Rev. June 2014

sample. Mr. Nicholas was re-instructed as to his conditions of supervision and expectations. He was made aware that failure to abide by rules could result in sanctions.

After that meeting Mr. Nicholas failed once again to submit another sample on February 2, 2017, March 12, 2017, and March 25, 2017. On March 25, 2017, a non-compliance meeting was held at the probation office. Mr. Nicholas was presented with a waiver of a hearing to modify his conditions of probation to include 30 hours of community service to be completed within 60 days as a sanction for his missed drug tests. Mr. Nicholas is in agreement with this proposal and he signed the waiver (please see attached). To this date, Mr. Nicholas has tested negative and the U.S. Probation Office believes this is sufficient punishment to address his non-compliance.

Should the Court have any questions or concerns, the undersigned probation officer will be available at the Court's convenience.

Respectfully submitted,

Margarita Hernandez Powell Margarita.Hernandez.Powell
II
2017.04.07 15:24:14 -07'00'

Margarita Hernandez Powell
United States Probation Officer

Approved:

Niquita M. Loftis Niquita M. Loftis
2017.04.07 15:12:22 -07'00'

Niquita Loftis
Supervisory United States Probation Officer

THE COURT ORDERS

- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☐ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):
-
-
-

RE: Matthew Nicholas

Prob12B
D/NV Form
Rev. June 2014

Signature of Judicial Officer

Date